

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
JOSEPH H. RODRIGUEZ
SENIOR JUDGE

1 JOHN F. GERRY PLAZA
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November 17, 2008

Candyce L. Smith-Sklar, Esquire
1901 N. Olden Avenue, Suite 22
Ewing, NJ 08618

Re: Mancuso v. Tyler Dane, LLC
Civil Action No. 2008-5311

Dear Ms. Smith-Sklar:

The Court has reviewed the complaint filed in the above captioned matter and has found it deficient in that it fails to properly plead the statutory requirement of diversity of citizenship of the parties. 28 U.S.C. § 1332; Fed. R. Civ. P. 8(a)(1). In order to determine a party's citizenship, you must indicate what type of entity each party is. In a case in which a party to the action is a corporation, an allegation must include the corporation's state of incorporation and state where it has its principal place of business. 28 U.S.C. § 1332(c). If a party is partnership, an allegation must include the citizenship of each of the members of the partnership. Carlsberg Resources Corp. v. Cambria Savings & Loan Assoc., 554 F.2d 1254, 1258 (3d Cir. 1977). If a party to the action is an unincorporated association, an allegation of diversity of citizenship must include the citizenship of each of the association's members. Carden v. Arkoma Assoc., 110 S.Ct. 1015 (1990). A jurisdictional allegation concerning an individual must state that individual's citizenship; an allegation of residence is not sufficient.

The Court hereby grants you leave to file an amended complaint properly pleading the citizenship of every party and the amount in controversy within twenty (20) days of the date of this letter. Unless these deficiencies are corrected within that time, your complaint will be automatically dismissed by the Court for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3). A copy of the amended complaint should be sent to my chambers.

Very truly yours,
/S/ Joseph H. Rodriguez
Joseph H. Rodriguez
U.S.D.J.

CC: David Bruey, Deputy Clerk